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EXAMINER

UNGAR, DANIEL M

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/846,933

Applicant(s)

SCHWAB, BARRY

Examiner

Daniel M. Ungar

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2132

DETAILED OFFICE ACTION

1. Claims 1-17 have been examined.

CLAIM OBJECTIONS

2. Claim 14 is objected to for the following informality: "at least one indicia". "indicia" is plural should read "indicium" or "index".

CLAIM REJECTIONS 35 U.S.C. 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a user to provide identifying graphical information about him/herself, does not reasonably provide enablement for "user identifying graphical information inputted by a plurality of approved users, the graphical information being selected by and personal to a respective approved user..." The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to have multiple users inputting personal information regarding one particular user, the invention commensurate in scope with these claims.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Any claims not specifically treated in the following rejections are rejected due to their dependence on other, rejected claims.

Art Unit: 2132

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph as being indefinite for the following reasons:

- a. It is generally unclear if the steps comprising the method are in any particular order.
- b. The limitation "said product or service" lacks sufficient antecedent basis.
- c. The limitation "transferring the digitized, data compressed information separately" is indefinite because it is unclear what it is transferred separately from.
- d. In the limitation "receiving at the remote terminal a request for information", it is unclear where this request is coming from. "the remote terminal" has antecedent basis in communication with a central server, but if this is the case, this is a client/server relationship, in which axiomatically a client issues requests to a server, which handles requests. Remote terminals acting as clients do not receive requests, and servers do not issue requests.
- e. The limitation "the requestor" does not seem to refer to the central server computer, and thus lacks sufficient antecedent basis. See previous reason for rejection.
- f. The limitation "the information" lacks sufficient antecedent basis. It is unclear whether this refers to the information in the first paragraph or the forth.
- g. The limitation "the requested data compressed text and image information" lacks sufficient antecedent basis.

8. Claim 2 recites the limitation, "the captured requestor graphical information". There is insufficient antecedent basis for the limitations in this claim. Claim 2 is further indefinite in that it is unclear which role/s of the central server computer is/are replaced by the remote terminal, and which still remain. If the applicant means that all roles are replaced, and that there is no communication with the central server computer at all, then it is unclear how claim 2 further limits claim 1, which requires communication with the central server.

Art Unit: 2132

9. In claim 3, "a requestor" shows no clear antecedent basis, and should read, "the requestor". Further, claim 3 recites, "providing a decryption key in the database of the central server computer, the decryption key enabling the graphical information of a requestor to be viewed at the local database." It is unclear how claim 3 further limits claim 2, considering that claim 3 requires communication with the central server computer, and claim 2, from which claim 3 depends, explicitly negates all possibility of a need to communicate with the central server computer.

10. Claim 4 recites the limitation, "the identifying graphical image". There is insufficient antecedent basis for the limitations in this claim.

11. Claim 14 recites, "determining if the requestor is authorized to have access to the data if displayed". There is insufficient antecedent basis for the limitation "the data".

12. Claim 16 recites, "storing this image into a separate transaction database". This is indefinite for failing to distinguish what transaction database it is separate from, particularly considering that no other transaction database has antecedent basis. Claim 16 also recites "the event", for which there is insufficient antecedent basis.

CLAIM REJECTIONS - 35 U.S.C. 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1, 4, 5, 6, 7, 11, 12, and 13, as best understood notwithstanding the abovementioned rejections under 35 U.S.C. 112, are rejected under 35 U.S.C. 102(b) as being anticipated by Houvener, U.S. Patent Number 5,657,389.

Art Unit: 2132

15. Regarding claim 1, Houvener discloses the acquisition, digitization and transfer of text and image information from a remote terminal in communication with a central server computer (see column 3, lines 42-55) relating to at least one product or service (see column 4, lines 32-39). Houvener further discloses compressing the data (see column 6, lines 38-49). Houvener discloses capturing user identifying graphical information with at least one distinctive feature for user identity authentication (see column 6, lines 4-8 and lines 59-66; column 7, lines 11-28). This confirms that the requestor is or is not authorized to receive the information requested.

Houvener discloses recalling and transferring the requested data compressed text and image information from the central server computer to the remote terminal for review by the requestor (column 6, lines 38-49).

16. Regarding claims 4, 5, and 11, Houvener discloses associating a unique identifier with a user (see column 7, lines 1-7) and assigning a unique identifier to the identifying graphical image (see column 4, line 66 - column 5, line 2). Note that the credit card number is a unique identifier assigned to the graphical image, and that it is stored in the memory of a specific terminal and also the central server. Houvener discloses using a personal identification number as a unique identifier (see claim 2).

17. Regarding claims 6 and 7, Houvener discloses a terminal which initiates communications to the remote site "using public phone lines" (see column 5, lines 35-46) and that the terminal comprises a video display device (see column 6, lines 59-63). This meets the limitation claimed of comprising a public telephone equipped with a video display device.

18. Regarding claims 12 and 13, Houvener discloses the association with a signature as well as the user identifying graphical information (see column 7, lines 12-28; figure 1, items 6 and 6'). Houvener discloses associating a unique identification number with the captured image (see column 4, line 66 - column 5, line 2; column 7, lines 1-11).

CLAIM REJECTIONS - 35 U.S.C. 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 2 and 3, as best understood notwithstanding the abovementioned rejections under 35 U.S.C. 112, are rejected under 35 U.S.C. 103(a) as being unpatentable over Houvener, as established above, in view of Walker et al., U.S. Patent Number 5,046,092. Houvener fails to expressly disclose the idea of saving the images locally as opposed to a central server. However, storing data in a local database instead of having to receive them over a network was well known in the art at the time of the invention. This is exemplified by Walker et al. who describe a system for locally saving encrypted video, which is graphical information, and the database of the central server providing the decryption key enabling the graphical information of a requestor to be viewed at the local image database (see abstract; column 3, lines 30-64). Given the teachings of Walker et al. it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Houvener to allow for a local database to obviate the need to transfer data from a central server, and in such a case, to keep the local data encrypted and having the central server provide the decryption key.

21. Claims 8, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houvener, as established above, in view of Edwards, et al., U.S. Patent Number 5,311,325. Houvener fails to explicitly disclose an application of his system in which users are associated into a group being authorized to view only a predetermined portion of product and service information. Nevertheless, Houvener does state that his system of identity verification is applicable to any situation where positive identification is required (see column 1, lines 11-19) and the particular application to identify a member of a group of users only authorized to view certain portions of product and service

Art Unit: 2132

information was certainly well known in the art. This is exemplified by Edwards et al. who describe a method of associating users into a group being authorized to view only a predetermined portion of product and service information from a central server in the instance of pay-per-view cable television. Edwards et al. also disclose users paying fees for access, and users paying for access based on time (see abstract; column 4, line 59 – column 5, line 17). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to have adapted the identity verification method of Houvener to the method of Edwards et al. to accomplish an objective of Edwards et al., namely to ascertain that the user is indeed authorized to access the particular product or service.

22. Claim 14 is reject under 35 U.S.C. 103(a) as being anticipated by Bij nagte, U.S. Patent Number 5,235,680, in view of Funding a Revolution: Government Support for Computing Research, National Academy Press, 1999. Bij nagte discloses a secure method of identification for buying and selling products or services including:

- a remote terminal communicating with a central computer (see abstract; column 1, lines 11-19),
- capturing a particular item of information known only by the requestor for authorization for access to the central database for the purpose of completing a transaction (see column 26, lines 58-61),
- acquiring and compressing and transmitting picture and text information representative of accesible subject matter from a remote terminal to a central database (see column 9, line 60 - column 10, line 10),
- storing text and picture information separately (see column 6, lines 8-13; column 8, lines 67-68),
- receiving requests for the text and image information and transmitting them to the remote terminal where each is decompressed for viewing (see column 10, lines 20-40; claim 28),
- recalling the indicia of the requestor for determination of authorization of access (see column 26, lines 58-61).

Art Unit: 2132

Bijnagte does not expressly state that the database used is a relational database. Nevertheless, the advantages of a relational database as opposed to any other model of database was well known in the art. For example, chapter six of *Funding a Revolution: Government Support for Computing Research*, National Academies Press, 1999 (see <http://web.archive.org/web/19991216141510/http://www.nap.edu/readingroom/books/far/ch6.html>), details the benefits of the relational database, first conceived in 1970, and its emergence as the predominant database model since the 1980's. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used a relational database to achieve the benefits of, for example, an easily understood structure, and easy access to records through a high-level language such as SQL.

23. Claims 15, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houvener, as established above, in view of Nama, U.S. Patent Number 4,991,008. Houvener fails to disclose printing a hard copy of the textual and image information. Nevertheless, printing a hard copy was well known in the art at the time of the invention for the purpose of providing a receipt to memorialize the details of the transaction in case proof is later required. Exemplary of this is Nama who teaches, in a similar field of endeavor, printing a receipt including textual and image information (see column 4, lines 29-38). Given the teachings of Nama, it would have been obvious to one of ordinary skill in the art at the time on the invention to provide for printing a hard copy to memorialize the details of the transaction, the motivation taught by Nama.

24. Regarding claim 16, Houvener discloses storing a signature or image with respect to a transaction in a transaction database (see column 7, lines 1-20).

25. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Houvener in view of Nama, as established above, and further in view of Ward, U.S. Patent Number 5,760,386, and Shiota, U.S. Patent Number 6,169,596. Ward discloses storing requestor image and password information into a magnetic stripe of an identification card for the purposes of identification (see column 2, lines 38-44). Shiota discloses printing on a hard copy requestor images and password information. Given

Art Unit: 2132

the teachings of Ward it would have been obvious to one of ordinary skill in the art to have modified Houvener in view of Nama to have encoded the image and password information on the card to correctly verify the information retrieved from the central server. Given the teachings of Shiota it would have been obvious to one of ordinary skill in the art to have modified Houvener in view of Nama to have provided a hard copy further including image and password information to memorialize the transaction with even more information.

CONCLUSION

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Piosenka et al., U.S. Patent Number 4,993,068, disclose a system for user authentication based on a graphical image of the user on an identification card.

Ray et al., U.S. Patent Number 5,321,751, disclose a system for user authentication based on a graphical image of the user on an identification card.

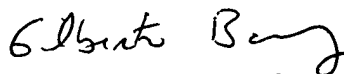
Belluci et al., U.S. Patent Number 5,505,494, disclose a system for user authentication based on a graphical image of the user on an identification card.

Rhoads, U.S. Patent Number 5,841,886, discloses a system for user authentication based on a graphical image of the user on an identification card.

Marcus, U.S. Patent Number 5,864,622, discloses a system for user authentication based on a graphical image of the user on an identification card.

Simjian, U.S. Patent Number 2,927,515, discloses a vending machine with an image recording means to memorialize the transaction.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M. Ungar whose telephone number is 571.272.7960. The examiner can normally be reached on 8:30 - 6:00 Monday - Thursday, Alt. Fridays.


GILBERTO BARRON JR.
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